The opinion in support of the decision being entered today is <u>not</u> binding precedent of the Board.

Paper P

Filed by: Trial Section Merits Panel Mail Stop Interference P.O. Box 1450 Alexandria, VA 22313-1450

> Tel: 571-272-9797 Fax: 571-273-0042

Filed: 28 October 2004

#### UNITED STATES PATENT AND TRADEMARK OFFICE

# BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

### LEVER BROTHERS CO.

Junior Party, (Reissue application 10/740,392),

MAILED

OCT 2 8 2004

PAT. & T.M. OFFICE BOARD OF PATENT APPEALS AND INTERFERENCES

V.

#### HENKEL KGAA

Senior Party, (Application 09/380,739).

Patent Interference No. 105,143

Before: McKELVEY, <u>Senior Administrative Patent Judge</u>, and MEDLEY and MOORE, Administrative Patent <u>Judges</u>.

MEDLEY, Administrative Patent Judge.

## **JUDGMENT-RULE 127**

For the reasons given in the Decision on Preliminary Motions (Paper 51), judgment is herein entered against junior party Lever. In particular, Lever has not alleged a date of invention with respect to the subject matter of the count prior to the senior party Henkel's earliest accorded benefit date of 11 March 1997 (Paper 32). Moreover, Lever did not challenge Henkel's accorded

## INTERFERENCE DIGEST

Interference No. 105,143		Paper No. 40
Name: Josef Otto Rettenmaier et al.		
Serial No.: 09/380,739	Patent No.	
Title: Laundry Detergent Compact which Disintegrates in Liquid	ds	
Filed: 12/15/99		
Interference with Boskamp		
DECISION ON MOTIONS		
Administrative Patent Judge,	_Dated,	
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EVNAL DEGISSON		
Board of Patent Appeals and Interferences, Mysello	Dated, 3-11-00	4
Court,	Dated,	
Judgment Rule 127 1068/4		
Suggistivi real to 194		
	<del> </del>	
This should be placed in each application or patent involved in interference	in addition to the inte	rference letters.

benefit date. Accordingly, judgment is entered against junior party Lever. It is

**ORDERED** that judgment as to the subject matter of the count is herein entered against junior party **LEVER BROTHERS CO.**;

**FURTHER ORDERED** junior party **LEVER BROTHERS CO.** is not entitled to claims 1-45 which correspond to the count;

**FURTHER ORDERED** that if there is a settlement agreement, the parties should note the requirements of 35 U.S.C. § 135(c) and 37 CFR § 41.205; and

**FURTHER ORDERED** that a copy of this judgment be filed in the respective involved applications of the parties.

FRED E. McKELVEY, Senior
Administrative Patent Judge

Administrative Patent Judge

) INTERFERENCES

JAMES T. MOORE

Administrative Patent Judge

cc (via federal express):

Counsel for LEVER BROTHERS CO.:

Mr. Victor N. Balancia, Esq. MORGAN, LEWIS & BOCKIUS LLP 1111 Pennsylvania Avenue, N.W. Washington, DC 20004

Tel: 202-739-3000

Counsel for HENKEL KGAA:

Rudolf E. Hutz, Esq.
CONNOLLY BOVE LODGE & HUTZ LLP
The Nemours Building
1007 North Orange Street
Wilmington, DE 19801

Tel: 302-658-9141